



## EXHIBIT A

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6 Attorneys for Plaintiff  
 7 OPENTV, INC.

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

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8 Technology Center 2100  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

ADR

11 OPENTV, INC., a Delaware corporation,  
 12 Plaintiff,  
 13 v.  
 14 LIBERATE TECHNOLOGIES, a Delaware  
 15 corporation,  
 16 Defendant.

No.

C 02 0655 JL

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

17 Plaintiff OpenTV, Inc. ("OpenTV"), as its Complaint against Defendant Liberate  
 18 Technologies ("Liberate"), alleges as follows:

## 19 PARTIES

20 1. OpenTV is a corporation incorporated under the laws of Delaware, with its principal  
 21 place of business at 401 East Middlefield Road, Mountain View, California 94043.  
 22 2. Liberate is a corporation incorporated under the laws of Delaware, with its principal  
 23 place of business at 2 Circle Star Center, San Carlos, California 94070.

## 24 JURISDICTION AND VENUE

25 3. This action arises under the patent laws of the United States, Title 35 of the United States  
 26 Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C.  
 27 §§ 1338(a) (action arising under an Act of Congress relating to patents) and 1331 (federal question)  
 28 and 35 U.S.C. § 281.

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1       4.   Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and  
2 1400(b), in that Liberate resides in this district, is subject to personal jurisdiction in this district and  
3 has committed acts of infringement in this district.

## PRELIMINARY STATEMENT

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5 5. OpenTV is one of the world's leading interactive television technology companies. **MARK 6 2002**

6 OpenTV builds a complete "middleware" platform that enables digital interactive television. **Technology Center 2100**

7 6. OpenTV is the sole owner of numerous United States Patents in the field of digital

8 interactive television, including: United States Patent No. 5,563,648, issued on October 8, 1996 (the

9 "648 patent"), which is attached hereto as Exhibit A; and United States Patent No. 5,819,034, issued

10 on October 6, 1998 (the "034 patent"), which is attached hereto as Exhibit B. The '648 patent and

11 the '034 patent are referred to collectively herein as "the OpenTV patents."

12 7. Liberate competes against OpenTV in the interactive television market, developing and  
13 marketing interactive television middleware platforms under the Liberate name. OpenTV has not  
14 licensed Liberate under the OpenTV patents.

## PATENT INFRINGEMENT BY LIBERATE

16        8. OpenTV is informed and believes, and on that basis alleges, that Liberate has infringed  
17 and continues to infringe, directly or indirectly, the OpenTV patents by its unlicensed use, promotion,  
18 manufacture, and offering for sale, in this judicial district and elsewhere in the United States, of  
19 interactive television middleware.

20 9. OpenTV is informed and believes, and on that basis alleges, that Liberate's infringement  
21 of the OpenTV patents has been and will continue to be willful.

22 10. OpenTV is damaged and irreparably injured by Liberate's infringing activities and will  
23 continue to be so damaged and irreparably injured unless Liberate's infringing activities are enjoined  
24 by this Court.

## **PRAYER FOR RELIEF**

26 WHEREFORE, OpenTV requests that the Court:

27 A. Enter judgment that OpenTV is the owner of the OpenTV patents and all rights of  
28 recovery under each of them, and that each of those patents was duly issued and is valid;

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B. Enter judgment that Liberate has infringed the OpenTV patents, directly or indirectly;

C. Preliminarily and permanently enjoin Liberate, its officers, agents, servants, employees and those in concert or participation with them, from any unlicensed use of the inventions claimed in the OpenTV patents;

D. Award OpenTV damages as compensation for Liberate's infringement of the OpenTV patents, such award to include prejudgment interest;

E. Treble such award of damages due to the willful nature of Liberate's infringement of the OpenTV patents;

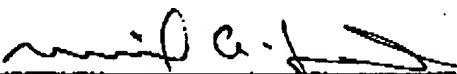
F. Declare that this is an exceptional case under 35 U.S.C. § 285 and award OpenTV its attorneys' fees and expenses in this action;

G. Award OpenTV its costs in this action; and

H. Enter such other and further relief to which OpenTV may be entitled as a matter of law, or which may otherwise be just and proper.

Dated: February 7, 2002

15 HAROLD McELHINNY  
16 MICHAEL A. JACOBS  
17 GEORGE C. HARRIS  
18 MORRISON & FOERSTER LLP

19 By:   
Michael A. Jacobs

20 Attorneys for Plaintiff  
21 OPENTV, INC.

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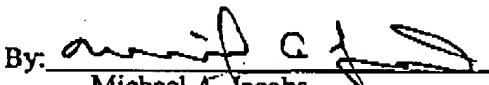


DEMAND FOR JURY TRIAL

Plaintiff OpenTV hereby demands trial by jury of all claims and counterclaims in this action  
for which there is a right to trial by jury.

Dated: February 7, 2002

5 HAROLD McELHINNY  
6 MICHAEL A. JACOBS  
7 GEORGE C. HARRIS  
8 MORRISON & FOERSTER LLP  
9

10 By:   
11 Michael A. Jacobs

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13 Attorneys for Plaintiff  
14 OPENTV, INC.  
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